

Appl. No. 10/817,093

Amendment dated November 4, 2005

Amendments to the Drawings:

None.

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REMARKS/ARGUMENTS

The applicant wishes to thank the examiner for the courtesy of interviews on October 17, 2005 and afterwards. Revisions to independent claims 1, 10 and 16, and support for those claims as revised, were discussed as was cited U.S. Patent No. 5,452,846. No agreement was reached during those interviews.

Claims 1-15 were rejected by the Action as unpatentable under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,452,846 (Myers) and claims 16-20 were rejected under 35 U.S.C. § 103 as unpatentable over Myers. Three independent claims are presently pending in this application, claims 1, 10 and 16.

Claim 1 is directed to a package with a pop-up display decoration and claim 10 is directed to a pop-up display package decoration. Both claims 1 and 10 have been amended to clarify that each requires a panel that folds along a fold line to define two sections of the panel and a pop-up display that is attached to each section of the panel at first and second locations on the pop-up display. The pop-up display folds to a flat configuration at least partially between the sections and expands to form a dimensional display when the foldable panel is opened.

Claim 16 is directed to a method for decorating a package and includes providing a pop-up display package decoration that has a foldable panel to which a pop-up display is affixed. Claim 16 has been amended to also require that the foldable panel defines a first section and a second section that meet at the fold line and a pop-up display that is affixed to the first section at a first location on the pop-up display and to the second section at a second location on the pop-up display. The pop-up display folds to a generally flat and compact configuration when the foldable panel is folded, and expands to form a three dimensional display when the foldable panel is opened.

The applicant submits that the independent claims, as amended, are supported by the specification at least at paragraphs 11, 30 and 34 and Figures 1 and 7.

Myers does not anticipate or render obvious the pending claims. Myers discloses a package with a decorative dimensional display. The dimensional display of Myers is incorporated into the package rather than a separate display that is affixed to a separate foldable

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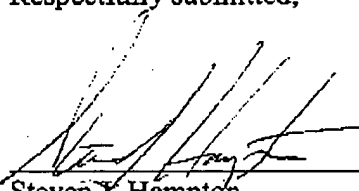
panel. The display of Myers, includes a decorative dimensional object 16 that is joined to an activating number 18 and to a flat panel (inner portion) 26. See Fig. 5. The decorative object 16 of Myers does not fold between sections of a folded panel to which it is affixed. See Figs. 2 and 3. Myers neither anticipates nor renders obvious independent claims 1, 10 and 16, nor any pending claim that depends directly or indirectly from one of those independent claims.

CONCLUSION

For the reasons set out above, the Applicant submits that the claims of this application, claims 1 through 20, are in condition for allowance. Allowance of those claims is requested.

If the Examiner believes that a discussion of these claims would be useful, the Applicants request that the Examiner contact Applicants' undersigned attorney at (312) 775-8114. Please charge any additional fees or credit overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: November 4, 2005

Steven J. Hampton
Reg. No. 33,707
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661

Telephone (312) 775-8000
Facsimile (312) 775-8100